

BOARD OF APPEALS CASE NO. 4803

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BEFORE THE

APPLICANT: Patio Enclosures, Inc.

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ZONING HEARING EXAMINER

**REQUEST: Variance to convert an
existing deck into a sun porch located
within the required rear yard setback;
104 Avondale Court, Abingdon**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 3/18/98 & 3/25/98

HEARING DATE: May 4, 1998

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Record: 3/20/98 & 3/27/98

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Patio Enclosures, Inc. Is requesting a variance pursuant to Section 267-36(B), Table VI, of the Harford County Code, to enclose an existing rear deck with a sun porch within the required 35 foot rear yard setback (30 feet proposed).

The property is located at 104 Avondale Court, Abingdon, Maryland 21009 within the Constant Friendship subdivision. The parcel is more particularly identified on Tax Map 61, Grid 1E, Parcel 383. The property consists of 0.162 acres, is presently zoned R3 and is located entirely within the First Election District.

Mr. Kent Hunter appeared on behalf of the Applicant. The witness indicated that the property is owned by Andrew Domonkos who desires to enclose an existing deck to provide privacy, insulate and reduce heating bills, reduce outside noise, improve appearance of home, and provide a place to sit without concern for weather, bugs, etc. According to the witness, the land is an irregularly shaped five sided lot and there is no other place to put such an enclosure. The existing 12 foot by 16 foot deck floor plan will be used except the corners will be rounded. The witness provided photos of the existing house and deck which confirm that the rear yard will not support such an enclosure at any other location but that proposed. Additionally, the photos showed an irregularly shaped lot that sits lower than adjoining properties. Mr. Hunter indicated that there were no objections by neighboring property owners and that the local homeowner's association had approved the plans and proposed enclosure.

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At the request of the Hearing Examiner the Constant Friendship Homeowner's Association letter of approval was entered into the file after the Hearing. Mr. Hunter concluded by opining that there would be no adverse impacts to adjoining properties as a result of the patio enclosure.

There were no protestants who appeared in opposition to the request. The Department of Planning and Zoning recommends approval of the request.

CONCLUSION:

The Harford County Code, pursuant to Section 267-36(B), Table VI, requires a 35 foot rear yard setback for structures in the R3 District. The Applicant proposes a 30 foot setback.

Pursuant to Code Section 267-11, area variances are permitted, provided the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.

The Hearing Examiner finds that the proposed enclosure will have no adverse impacts to adjoining properties, will not impair the purposes of the Code and will not adversely impact the health, safety or welfare of adjoining property owners. The Hearing Examiner finds further that the parcel is topographically unique being five sided and not lending itself to an addition at any other location on the property without the need for a variance.

The Hearing Examiner recommends approval of the Applicant's request subject to the condition that the Applicant obtain any and all necessary permits and inspections.

Date MAY 27, 1998

William F. Casey
Zoning Hearing Examiner